

Before the Board of Zoning Adjustment, D. C.

Application No. 11701, of Baltic Investment Co., pursuant to Sections 3305.4, 3308, 8207.11 and 8207.2 of the Zoning Regulations, for special exception for approval of roof structures and for variance from the side yard requirement of the R-5-D zone, as provided by Sections 5306 and 3305.4, to permit the erection of an apartment building located at 1325 - 15th Street, N. W., Lots 42, 43, 118, 119, 812 through 816, in Square 210.

HEARING DATE: August 21, 1974
EXECUTIVE SESSION: August 27, 1974

FINDINGS OF FACT:

1. The applicant proposes to erect a 10-story apartment house at the northeast corner of 15th Street and Rhode Island Avenue, N. W. in accordance with plans on file and designated as the Architect's Study Scheme No. 4.
2. The site is irregular in shape, being generally of a panhandle shape with 54.75 ft. fronting on Rhode Island. At the rear, the lot is 100 ft. in depth and right angle in shape. The lot has an overall dimension along 15th Street of 263.17 ft. The east boundary has a dimension of 144 ft. for the portion of the lot 100 ft. in width and for the portion of the lot that is 50 ft. in width, 96.86 ft. long. The site area is 19,800.50 sq. ft.
3. There is a 5 ft. right-of-way extending across the full width of Lots 118 and 119 and paralleling the north property line to serve Lot 120. This right-of-way was the subject of recent court litigation and in a 1973 Opinion reported at 154 D.C. App. at 380, the Court stated this right-of-way is still available to provide access to the rear of Lot 120, and no structure can be erected upon this right-of-way.
4. The subject site is presently used as a parking lot and is bounded on the north by the Grace Church which is separated from the subject site by 30 ft. wide public alley. To the east there is a 10 ft. public alley and beyond the former location of the Washington Bible College. Also on the east is a 4-story townhouse at 1463 Rhode Island, serving as the offices of a doctor and his residence. To the south is the 130 ft. wide Rhode Island and to the west the 110 ft. Fifteenth Street. The subject site permits a maximum gross floor area of 118,803 sq. ft. (F.A.R. 6.0). The building proposed by the applicant achieves an F.A.R. of 111,664.50 sq. ft. (only 5.28 F.A.R.).
5. The Zoning Regulations require 40 parking spaces and 40 are provided. One loading berth is required and 1 loading berth is provided. The lot occupancy permits 14,838 sq. ft. of the lot to be occupied by building whereas only 10,692.70 sq. ft. are occupied by building.

Rear yard of 22.60 ft. required and 22.83 ft. is provided. A side yard of 22.50 ft. for the portion of the property adjacent to the lot 120 is required under the ruling of the Zoning Administrator as set forth in Section 3305.4 of the Zoning Regulations.

6. The applicant contends no side yard variance is required. Under Section 3305.7 of the Zoning Regulations which specifically provides "except as provided in paragraphs 3305.2 and 3305.3 (Neither of which apply to applicant's building) a side yard is not required in an R-3, R-4, R-5-B, R-5-C, or R-5-D district." The Zoning Administrator concede that when the 1970 Amendment inserting Section 3305.4 in the Regulations, no studies were made concerning the R-5-B, R-5-C or R-5-D district.

7. The applicant's architect has explored design for the construction of building. Study Scheme 1 shows the erection of a 10-story building on the north portion of the site and a 4-story building on the south portion. This design was not economically feasible or architecturally accepted from an appearance standpoint with two buildings, two sets of stairs, elevators, ramps for garage, etc. being required would impose too great a cost for the project. Scheme No. 2 showed a relocation of the right-of-way. This was not a feasible design as the right-of-way could not be legally relocated. Scheme No. 3 were bulk studies of various shapes for the building on the north portion of the site. Best of these plans was the one selected and the one designated study Scheme No. 4 and for which permission is sought in this case. The other study plan and Scheme No. 3, one of which complies with the Zoning Regulations, would have produced an F.A.R. substantially below 5.0, which the developers stated and we concur that a loss of more than 1.0 F.A.R. imposes a practical difficulty upon the developer. This Board, in the past, has granted similar relief for variance from side yard requirement where a covenant applied to property at 4849 Connecticut Avenue, N. W. in B.Z.A. Appeal No. 11464. The Board has reviewed the photographs of the site and surrounding area and has received the testimony of the architect as to buildings located in this area which provide no side yard and which do not share a common party wall. There are several such buildings and such buildings do not adversely affect the area.

8. The R-5-D zoning which adjoins lot 120 would permit the erection as a matter of right of a 90 ft. tall building along the entire east and north property lines of Lot 120. Using 15th Street as the front of the building, a 90 ft. building could be erected along the north property line 30 ft. south of the Grace Church.

9. There was opposition from the doctor who owned Lot 120, stating that his light and air would be affected and his privacy. The Board finds that the plan proposed by applicant provides more light and air than that which the Zoning Regulations would permit for the property owner as a matter of right.

10. The pastor of Grace Church raised objections concerning the method of constructing the building proposed for the applicant's site and the need to take safeguards to protect the Grace Church. A letter from structural engineer, Carl Henson, was offered in the record. The applicant agreed to provide the Church's engineer with the information requested in his letter.

11. The "data sheet roof structures" shows this to be a routine roof structure. The roof structure is only 2,160 sq. ft. or F.A.R. 0.12. Further, the roof structure will house mechanical equipment and will be of a brick-type material which will harmonize with the facade of the main structure in architectural character, material and color.

CONCLUSIONS OF LAW:

Based upon the above Findings of Fact, the Board is of the opinion that the applicant has proved a practical difficulty within the meaning of Section 8207.11 of the Zoning Regulations because of the existing 5 ft. right-of-way which prevents development within such right-of-way and thereby deprives the property owner of the full F.A.R. available to a property owner of R-5-D zoned land. The Board is also of the opinion that the roof structure complies with the requirements of 3308 as provided in Section 5306 of the Zoning Regulations. It is our opinion that the construction of the 10-story apartment house as proposed is in keeping with the existing character of the area, that its location and size will not adversely affect the light, air or privacy or the use or safety of adjoining property, subject to the condition hereinafter set forth. Nor will the granting of this application have adverse affect on neighboring properties or impair the intent, purpose, and integrity of the zone plan.

ORDERED: That the above application be GRANTED.

VOTE: 5-0

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: James E. Miller
JAMES E. MILLER,
Secretary to the Board

FINAL DATE OF ORDER: **SEP 19 1974**

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.